

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY ANDERSON,

Plaintiff,

Case No. 17-12676

Honorable Victoria A. Roberts

v.

COLTER FURST, et al.,

Defendants.

ORDER OVERRULING PLAINTIFF'S OBJECTION [ECF No. 56]
AND UPHOLDING THE MAGISTRATE JUDGE'S ORDER
DENYING PLAINTIFF'S MOTION TO COMPEL DISCOVERY [ECF No. 54]

On September 17, 2018, Magistrate Judge Anthony P. Patti entered an order DENYING Plaintiff's motion to compel discovery. Magistrate Judge Patti found that the motion was defective for failing to comply with E.D. Mich. LR 37.2, which requires that discovery motions include a verbatim recitation of each discovery request and response that is the subject of the motion. As a result, Magistrate Judge Patti held that he could not determine whether Defendants properly responded to Plaintiff's discovery requests.

Plaintiff filed an objection to the order on September 28, 2018. Plaintiff concedes that he did not comply with Local Rule 37.2, but requested until October 5, 2018 to file a copy of the discovery requests and responses. Plaintiff's objection is before the Court.

When reviewing objections to a magistrate judge's order on a pretrial, non-dispositive matter, the Court must modify or set aside any part of the decision that is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); *United States v. Curtis*, 237 F.3d 598, 602-03 (6th Cir. 2001). The "clearly erroneous" standard applies only to the magistrate judge's factual findings; her legal conclusions

are reviewed under the “contrary to law” standard. *Visteon Global Techs. v. Garmin Int’l, Inc.*, 903 F. Supp. 2d 521, 524-25 (E.D. Mich. 2012) (citations omitted).

Magistrate Judge Patti’s order is neither clearly erroneous nor contrary to law. Plaintiff concedes that he did not comply with Local Rule 37.2. And, without the opportunity to review the discovery requests at issue and Defendants’ responses, the Magistrate Judge reasonably and correctly concluded that he could not determine if Defendants’ responses were proper.

Plaintiff’s objection [ECF No. 56] is **OVERRULED**, and the Magistrate Judge’s order denying Plaintiff’s motion to compel is **UPHELD**.

Moreover, since filing his objection, Plaintiff has filed new motions to compel that comply with Local Rule 37.2. Those motions are pending before the Magistrate Judge. Thus, Plaintiff’s request to file a copy of the discovery requests and Defendants’ responses is **MOOT**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 15, 2018